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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,579	11/13/2003	James S. Cozzi	3546	8255
7590	05/10/2004		EXAMINER	
Niro, Scavone, Haller & Niro Suite 4600 181 W. Madison Chicago, IL 60602			HARRIS, ANTON B	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/713,579	COZZI ET AL
Examiner	Art Unit	
Anton B Harris	2831	<i>pw</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 November 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-6 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. Claim 5 is objected to because of the following informalities:

Claim 5 recites the phrase “assembly of claim 4 wherein said box assembly” is repeated.

On occurrence should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour (5,012,043) in view of McNab (4,927,039).

Regarding claim 1, Seymour (col. 6, lines1-67) discloses an electrical outlet box assembly comprising:

an outlet box 14;

an outlet assembly 20; and

an adaptor 16 located between the outlet box 14 and the outlet assembly 20, the adaptor having a pair of opposing mounting flanges 36, 40 and a pair of opposing outlet assembly support tabs 52, said support tabs 52 being displaced from the mounting flanges 36, 40, but lacks an adaptor being positioned at least partially within an outlet box and support tabs that locate the outer surface of the outlet assembly in generally the same plane as or slightly recessed from, the plane of the mounting flanges.

McNab (figure 1) teaches an adaptor 12 being positioned at least partially within an outlet box 10 and support tabs 24 that locate the outer surface of the outlet assembly (not shown) in generally the same plane as or slightly recessed from, the plane of the mounting flanges 14.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Seymour by providing an adaptor being positioned at least partially within an outlet box and support tabs that locate the outer surface of the outlet assembly in generally the same plane as or slightly recessed from, the plane of the mounting flanges in order to match different wall thickness in view of the teachings of McNab.

Regarding claim 2, Seymour (col. 6, lines1-67) discloses that an adaptor 16 comprises a four-sided insert.

Regarding claim 3, Seymour (col. 6, lines1-67) discloses that an insert 16 has opposing end walls 46, 48 each having one or more slots 42 to accommodate assembly hardware on the outlet box 14.

Regarding claim 4, Seymour (col. 6, lines1-67) discloses a cover plate 116.

Regarding claim 5, Seymour (col. 6, lines1-67) discloses that a box assembly is mounted with a construction member 18 having an outer surface and wherein said cover plate 116 is located on the outer surface of said construction member 18.

Regarding claim 6, Seymour (col. 6, lines1-67) discloses that a gasket 58 is positioned between the cover plate 116 and the outer surface of the construction member 18.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Taylor U.S. Patent No. 4,634,015 discloses an adjustable outlet box including tabs and flanges.

Hagarty U.S. Patent No. 6,103,972 discloses an outlet box including tabs, flanges, and an adaptor.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh

5/3/04

*Dean A. Reichard* 5/3/04  
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